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TECHNOLOGY CENTER 5600

In re Application of	:	
Andreas Giefer	:	DECISION ON RENEWED
Serial No: 09/600,832	:	PETITION UNDER
Filed: July 21, 2000	:	37 CFR §1.181
Attorney Docket No.: 67526	:	
For: SLOT COVER OF A SHIFTING DEVICE	:	

This is a decision on applicant's renewed petition under 37 CFR §1.181 filed November 1, 2005 to request relief from the original period of response set forth in the *Ex parte* Quayle action dated March 22, 2005. Additionally, applicant proposes further amendments to the drawings.

The petition is **DENIED**.

The record reflects that on March 22, 2005 an *Ex parte* Quayle action was mailed indicating that proposed drawing changes of December 26, 2001 would not be entered because the proposed changes raise the issue of new matter and fail to place the case in condition for allowance. On May 20, 2005 applicant responded to the *Ex parte* Quayle action with proposed amendments to both the specification and to the drawings.

On June 7, 2005 an Advisory Action was mailed indicating that the proposed changes of May 20, 2005 would not be entered because the proposed amendments to the specification and to the drawings raise the issue of new matter. The Advisory Action indicated that the period for reply expires on the date set forth in the *Ex parte* Quayle action of March 22, 2005 and that extensions of time may be granted under 37 CFR 1.136(a). On June 24, 2005 applicant filed a petition under 37 CFR §1.181 to invoke supervisory review of the June 7, 2005 Advisory Action. The petition of June 24, 2005 was dismissed.

In the instant petition, applicant proposes drawing changes and requests relief from the original period of response set forth in the *Ex parte* Quayle action dated March 22, 2005. Applicant argues that the examiner's refusal to enter the amendment was flawed and that, because of the flaws, applicant was unable to modify the application to place it in condition for allowance. Applicant argues that due to said flaws it was necessary to petition the Director and that the processing of the petition caused applicant's time to expire, which unfairly burdens the applicant.


37 CFR § 1.181(f) states that "The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings...." Given that the last Office Action was mailed on March 22, 2005, the period to respond with any extensions of time expired on September 22, 2005.

Accordingly, as applicant has not responded timely to either place the application in condition for allowance or file for an extension of time to thus keep the application pending, the application is abandoned. The proposed drawing changes dated November 1, 2005 cannot be considered.

Applicant's recourse is to file a petition to revive the application under the unintentional standard as set forth in 37 CFR §1.137(b), which will be decided by the Office of Petitions.

SUMMARY: The Petition is **DENIED**.

This application stands **ABANDONED**.



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